

EXHIBIT “A”

WEISBERG LAW
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Attorneys for Plaintiff

SCHAFKOPF LAW LLC
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LAMAR MARSHALL
924 E. 27th Street
Wilmington, DE 19802

Plaintiff

v.

DELAWARE COUNTY COURT OF
COMMON PLEAS

CIVIL COMPLAINT NO. CV-2022-
004141

**DELAWARE COUNTY D/B/A GEORGE
W. HILL
CORRECTIONAL FACILITY**
500 Cheyney Rd
Thornton, PA 19373

JURY TRIAL OF TWELVE (12)
JURORS DEMANDED

and

LAURA K. WILLIAMS
Individually and in her official capacity as
Warden
500 Cheyney Rd
Thornton, PA 19373

and

DELE FALY
Individually and in his official capacity as
Deputy Warden of Programs and Support
500 Cheyney Rd
Thornton, PA 19373

and

LISA MASTROODI
Individually and in her official capacity as
Deputy Warden of Operations and
Administration
500 Cheyney Rd

Thornton, PA 19373

and

MR. BANKS

Individually and in his official capacity as
Correctional Officer
500 Cheyney Rd
Thornton, PA 19373

and

COUNSELOR SAM

Individually and in her official capacity as
Counselor
500 Cheyney Rd
Thornton, PA 19373

and

HEAD OF MAINTENANCE

DEPARTMENT

Individually and in his official capacity as
Head of Maintenance Department
500 Cheyney Rd
Thornton, PA 19373

and

JESSAMINE HEALTHCARE, INC.

1283 Murfreesboro Road, Suite 500
Nashville, TN 37217

and

JESSAMINE HEALTHCARE, INC. d/b/a
CORRECT CARE SOLUTIONS, LLC/
WELLPATH, LLC

1283 Murfreesboro Road, Suite 500
Nashville, TN 37217

and

CORRECT CARE SOLUTIONS, LLC/
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1283 Murfreesboro Road, Suite 500

Nashville, TN 37217

Defendants.

NOTICE TO DEFEND**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Delaware County Bar Association
335 W Front St
Media, PA 19063
(610) 566-6625

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

USTED LE DEBE TOMAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO, VA A O TELEFONEA LA OFICINA EXPUSO ABAJO. ESTA OFICINA LO PUEDE PROPORCIONAR CON INFORMACION ACERCA DE EMPLEAR A UN ABOGADO. SI USTED NO PUEDE PROPORCIONAR PARA EMPLEAR UN ABOGADO, ESTA OFICINA PUEDE SER CAPAZ DE PROPORCIONARLO CON INFORMACION ACERCA DE LAS AGENCIAS QUE PUEDEN OFRECER LOS SERVICIOS LEGALES A PERSONAS ELEGIBLES EN UN HONORARIO REDUCIDO NI NINGUN HONORARIO.

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**CORRECT CARE SOLUTIONS, LLC/
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1283 Murfreesboro Road, Suite 500

Nashville, TN 37217

Defendants.

CIVIL ACTION COMPLAINT

1. Plaintiff, Lamar Marshall, is an adult male, currently residing at 924 E. 27th Street, Wilmington, DE 19802. At all times material, Plaintiff was incarcerated at George W. Hill Correctional Facility.
2. Defendant, Delaware County d/b/a George W. Hill Correctional Facility (“George W. Hill”), is a prison that, at all times material herein, acted in its official capacity.
3. Defendant, Laura K. Williams (“Williams”), is an adult individual who, at all times material herein, acted individually as Warden at George W. Hill Correctional Facility.
4. Defendant, Dele Faly (“Faly”), is an adult individual who, at all times material herein, acted individually as Deputy Warden of Security at George W. Hill Correctional Facility.
5. Defendant, Lisa Mastroddi (“Mastroddi”), is an adult individual who, at all times material herein, acted individually as Deputy Warden of Operations and Administration at George W. Hill Correctional Facility.
6. Defendant, Mr. Banks (“Banks”), whose first name is currently unknown, is an adult individual who, at all times material herein, acted individually as Correctional Officer at George W. Hill Correctional Facility.
7. Defendant, Counselor Sam (“Sam”), whose last name is currently unknown, is an adult individual who, at all times material herein, acted individually as Counselor at George W. Hill Correctional Facility.
8. Defendant, Head of Maintenance Department, is an adult individual who, whose first and last name is currently unknown, at all times material herein, acted individually as Head of Maintenance at George W. Hill Correctional Facility.

9. Defendant Jessamine Healthcare Inc. d/b/a Wellpath LLC, formerly known as Correct Care Solutions, LLC, (collectively "Wellpath") are Pennsylvania limited liability, for profit corporations doing business at all times pertinent to this Complaint, *inter alia*, at the above facility in Delaware County. At all times material to the allegations of this Complaint Wellpath, a vendor, contracted with the DOC for the provision of medical and health services, and was responsible for providing prison health services and appropriate and timely care and treatment to inmates, and generally protecting the medical welfare of inmates at various facilities in Pennsylvania, including at all the state correctional institutes, where plaintiff has been housed.
10. Upon information and belief, jurisdiction is proper in this venue because Defendants are believed to have carried on regular, continuous, and substantial business in Delaware County.

OPERATIVE FACTS

11. The above paragraphs are incorporated herein by reference.
12. On or about March 30, 2022, Plaintiff was an inmate at George W. Hill Correctional Facility. Plaintiff was in a holding cell with approximately seventeen (17) other inmates. There were approximately another seventeen (17) inmates in a cell adjacent to them.
13. Plaintiff was in the holding cell for approximately four (4) or five (5) days.
14. The holding cells did not have basic amenities like working toilets or running water. Plaintiff was unable to shower and was forced to urinate in milk cartons.
15. Plaintiff was forced to sleep on the concrete floor, and as a result, suffered intense back and neck pain.
16. After several days of sleeping on the floor, Plaintiff was transferred to a cell. When Plaintiff arrived to his cell, he did not receive any required recreational time and was forced to eat in

his cell.

17. On or around April 12, 2022, Plaintiff was transferred to a new cell. His new cell had a door that didn't properly lock because it was broken.
18. On or around April 17, 2022, Plaintiff filed a grievance regarding his cell having a broken door and a lamp that was leaking water.
19. As a result of the broken door, Plaintiff felt uncomfortable and had difficulty sleeping. Plaintiff felt unsafe and frequently feared for his life.
20. Plaintiff informed his counselor, Defendant, Sam, that his door was broken, and he needed a new door or for them to fix the current one.
21. Plaintiff was told that Defendant, Head of Maintenance, was informed and they were going to fix the door. The door was never fixed.
22. Plaintiff also asked to be moved to a different cell with a working door, but this request was denied.
23. Plaintiff was in this cell from on or about April 12, 2022, to his release on or about April 27, 2022.
24. These 15 days were filled with extreme fear and anxiety as Plaintiff was terrified that he would be attacked in his cell.
25. Upon information and belief, all Defendants knew or should have known about Plaintiff's broken door and fixed it.
26. Plaintiff continues to have back problems from sleeping on the concrete floor.
27. Plaintiff has suffered and continues to suffer severe physical and emotional distress as a result of Defendants' conduct.

COUNT I.

Eighth Amendment Violation-Failure To Protect/ Cruel And Unusual Punishment
Plaintiff v. All Defendants

28. The above paragraphs are incorporated herein by reference.
29. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
30. Defendants failed to properly protect Plaintiff with a locking cell door.
31. Defendants failed to properly provide Plaintiff with working toilets or running water.
32. Defendants' actions stated above, *inter alia*, were violations of Plaintiff's clearly established and well settled Constitutional and other legal rights.
33. Defendants caused Plaintiff to suffer cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution, actionable through 42 U.S.C. §1983, et seq.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendant, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

COUNT II.
Negligence

*Plaintiff v. Defendants, Williams, Faly, Mastroddi,
Banks, Sam, Head of Maintenance Department*

34. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein. At all times material, Defendants breached their duty of care to Plaintiff, acting negligently, recklessly, and carelessly, and in the following regards, respectively:
 - a. Failing to properly provide a safe environment for all inmates;
 - b. Failing to protect the well-being of inmates;
 - c. Other conduct that deviated from the applicable standard of care.

35. As a direct and proximate result of Defendants' negligence, carelessness and recklessness, Plaintiff suffered actual loss.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

COUNT III
Negligence
Plaintiff v. Defendants, Wellpath

36. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

37. At all times material, Defendants breached their duty of care to Plaintiff, acting negligently, recklessly, and carelessly, and in the following regards, respectively:

- a. Failing to provide Plaintiff with proper medical care;
- b. Failing to provide Plaintiff with the proper accommodations for his medical needs;
- c. Other conduct that deviated from the applicable standard of care.

38. As a direct and proximate result of Defendants' negligence, carelessness and recklessness, Plaintiff suffered actual loss.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

Respectfully Submitted,

WEISBERG LAW
/s/ David Berlin
David Berlin, Esquire
Matthew B. Weisberg, Esquire

SCHAFKOPF LAW
/s/ Gary Schafkopf
Gary Schafkopf, Esquire

DATED: July 28, 2022

VERIFICATION

I, David Berlin Esquire, hereby verifies that I am counsel for Plaintiff, **Lamar Marshall** and herein states that the statements in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information and belief. I am making this verification on behalf of Plaintiff, **Lamar Marshall**, I acknowledge that the foregoing Verification is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

/s/ David Berlin
DAVID BERLIN, ESQUIRE

Dated: 7-28-22

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: JURORS DEMANDED

CERTIFICATE OF SERVICE

I, Gary Schafkopf, Esquire, hereby certify that on this 28th day of July 2022, a true and correct copy of the foregoing Civil Action Complaint was served via e-filing.

Respectfully Submitted,
SCHAFKOPF LAW, LLC

DATED: 7-28-22

BY: /s/ Gary Schafkopf
GARY SCHAFKOPF, ESQ